(2) From the Commissioner of Police, Bangalore, dated 10th December 1970 stating that Sri M. S. Krishnan was arrested on 10th December 1970 under Sections 143, 144, 145, 147, 148, 341, 332 and 427 of Indian Penal Code and was released on bail on 11th December 1970.

(3) From the Sub-Inspector of Police, Mannackballi, dated 4th January 1971 regarding the arrest of Sri V. N. Patil on 2nd January 1971 under Sections 143, 147, 427 of Indian Penal Code and his subsequent release the same day.

(4) From the Commissioner of Police, Bangalore, dated 13th January 1971 regarding the arrest of Sri N. Hutchmastv Gowda on 13th January 1971 under Sections 147, 148 and 506 of Indian Penal Code and his subsequent release the same day.

(5) From the Commissioner of Police, dated 19th January 1971 regarding the arrest of Sri Vatal Nagaraj on 19th January 1971 under Sections 143, 145, 148, 149, 324 and 427 of Indian Penal Code and his subsequent release the same day.

(6) From the Commissioner of Police, Bangalore, dated 11th February 1971 regarding the arrest of Sri Vatal Nagaraj, M.L.A., under Section 151 of Criminal Procedure Code and his subsequent release the same day.

(7) Wireless Message from Superintendent of Police, Bijapur, dated 26th February 1971 regarding the arrest of Sri K. H. Patil, M.L.A., on 14th February 1971 under Section 153 and 504 of Indian Penal Code and his subsequent release the same day.

Allowing Photographers at the time of Budget Presentation

Sri AZEEZ SAIT.—I rise to a point of order, Sir. Usually, photographers are allowed to come and take photos in a fresh session. According to you, this is not a fresh session, it is only an adjoured meeting. How is it that photographers have been allowed to come in to-day? I want to know whether this is an adjourned meeting or a new session.

Mr. SPEAKER.—There is no point of order. This is only an adjourned meeting of the session called on 23rd December 1970. With respect to allowing of the Photographers to come here, it is customary that when Budget is presented, they come and take photos. It has no relation to the new session or the adjourned meetings, as such.

Notice of breach of privilage re : Absence of Governor's Address to the Legislature at the Commencement of every year.

† ಶ್ರೀ ಎಚ್. ಎನ್. ನಂಜೇಗೌಡ (ಅರಕಲಗೂಡು).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಇವೊತ್ತು ಈ ಸಭೆಯು ಹಕ್ಕಿಗೆ ಚ್ಯುತಿ ಬಂದಿದೆ ಎಂಬ ಬಗ್ಗೆ ನಾನು ಮತ್ತು ಶ್ರೀಮಾನ್ ಚೆನ್ನಬಸಪ್ಪನವರು

(ಶ್ರೀ ಎಚ್. ಎನ್. ನಂಜೇಗೌಡ)

ಒಂದು ಸೂಚನೆಯನ್ನು ತಮಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟಿದ್ದೇವೆ. ನಿಯಮದಂತೆ ಸರ್ಕಾರದವರು ವರ್ಷದ ಮೊದಲಲ್ಲಿ ಮಾನ್ಯ ರಾಜ್ಯಪಾಲರನ್ನು ಕರೆಸಿ ಬಡ್ಜೆಟ್ ಅಧಿವೇಶನಕ್ಕೆ ಮೊದಲೇ ಅವರಿಂದ ಸರ್ಕಾರದ ಮುಂದಿನ ನೀತಿನಿಯಮಗಳು ಏನು ಹಾಗೂ ತಹಲ್‌ವರೆಗೆ ನಡೆದಂಥ ಮಹತ್ವಪೂರ್ಣವಾದಂಥ ಘಟನೆಗಳು ಏನು ಎಂಬ ಬಗ್ಗೆ ಸರಿಯಾದಂಥ ತಿಳಿವಳಿಕೆಯನ್ನು ನಮಗೆಲ್ಲಾ ನೀಡುವುದರ ಮೂಲಕ ಮಾರ್ಗದರ್ಶನ ಮಾಡಬೇಕಾಗಿತ್ತು. ಈಗ ಮಾನ್ಯ ರಾಜ್ಯಪಾಲರ ಭಾಷಣ ಇಲ್ಲದೆ ಆಯವ್ಯಯ ವನ್ನು ಮಂಡನೆ ಮಾಡತಕ್ಕಂಥದ್ದು ಸರಿಯಲ್ಲ. ಇದರಿಂದ ನಾವು ರಾಜ್ಯಪಾಲರ ಮಾರ್ಗದರ್ಶನ ಇಲ್ಲದೆ ಆಯವ್ಯಯದ ಮೇಲೆ ಚರ್ಚೆ ನಡೆಸಬೇಕಾಗುತ್ತದೆ. ಯಾವ ರೀತಿ ರಾಜ್ಯಪಾಲರ ಭಾಷಣ ದಿಂದ ನಾವು ಮಾರ್ಗದರ್ಶನ ಪಡೆದುಕೊಂಡು ಅದರ ಒಂದು ಆಧಾರದ ಮೇಲೆ ನಾವು ಆಯವ್ಯಯದ ಮೇಲೆ ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕೆ ಇದುವರೆಗೆ ಅವಕಾಶವಿತ್ತೋ ಅದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲದಂತೆ ಮಾಡಿ ಈ ಸರ್ಕಾರದವರು ಕರ್ತವ್ಯಲೋಪ ಮಾಡಿದ್ದಾರೆ, ಅಲ್ಲದೆ ನಮ್ಮ ಹಕ್ಕಿಗೆ ಚ್ಯುತಿ ತಂದಿದ್ದಾರೆ. ನಮ್ಮ ಹಕ್ಕಿಗೆ ಯಾವ ರೀತಿ ಚ್ಯುತಿ ತಂದಿದ್ದಾರೆಂಬ ಬಗ್ಗೆ ನಾವು ಈಗಾಗಲೇ ಒಂದು ನೋಟೀಸ್ ಕೊಟ್ಟಿ ದ್ದೇವೆ, ಮತ್ತು ಆ ಬಗ್ಗೆ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಕೊಡಬೇಕೆಂದು ಕೇಳಿದ್ದೇವೆ. ಇದು ಮುಂದು ವರಿದ ಅಧಿವೇಶನವಾದ್ದರಿಂದ ರಾಜ್ಯಪಾಲರು ಮೊದಲು ಮಾತನಾಡತಕ್ಕ ಅವಶ್ಯಕತೆ ಇಲ್ಲವೆಂದು ತಾವು ಹೇಳಬಹುದು, ಮತ್ತು 176ನೇ ವಿಧಿ ಇದರೊಳಗೆ ಬರುವುದಿಲ್ಲವೆಂದು ತಾವು ಹೇಳ ಬಹುದು. ಆದರೆ 175ನೇ ವಿಧಿ ಪ್ರಕಾರ ರಾಜ್ಯಪಾಲರು ಯಾವಾಗ ಬೇಕಾದರೂ ನಮಗೆ ಮಾರ್ಗ ದರ್ಶನ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ವರ್ಷದ ಮೊದಲಲ್ಲಿ ರಾಜ್ಯಪಾಲರು ರಾಜ್ಯದ ಪರಿಸ್ಥಿತಿಯ ಬಗ್ಗೆ ನಮಗೆ ಮಾರ್ಗದರ್ಶನ ಮತ್ತು ತಿಳಿವಳಿಕೆ ನೀಡುವುದು ಒಂದು ಸತ್‌ಸಂಪ್ರದಾಯವಾಗಿದೆ. ಆದರೆ ಈ ಸಲ ರಾಜ್ಯಪಾಲರ ಭಾಷಣ ಇಲ್ಲದೆ ಆಯವ್ಯಯವನ್ನು ಮಂಡಿಸುತ್ತಿರುವುದನ್ನು ನೋಡಿ ದರೆ ಅದರಿಂದ ಎರಡು ಅಭಿಪ್ರಾಯಗಳು ಬರುವುದಕ್ಕೆ ಅವಕಾಶವಾಗುತ್ತದೆ. ಒಂದನೆಯದು, ರಾಜ್ಯಪಾಲರು ಈ ಸಭೆಯನ್ನು ತಾತ್ಸಾರದಿಂದ ಕಂಡು ಅವರು ಏನನ್ನೂ ಮಾತನಾಡಲಿಲ್ಲವೇನೋ ಎಂಬ ಅನುಮಾನ ಬರುತ್ತದೆ. ಎರಡನೆಯದು, ಈಗ ಲೋಕಸಭೆಯ ಚುನಾವಣೆ ನಡೆದಿರುವುದು ಒಂದು ಮಹತ್ವಪೂರ್ಣವಾದಂಥ ಘಟನೆಯಾಗಿದೆ. ಅದನ್ನು ರಾಜ್ಯಪಾಲರ ಭಾಷಣದಲ್ಲಿ ಪ್ರಸ್ತಾಪ ಮಾಡುವುದಕ್ಕೆ ಸರ್ಕಾದವರಿಗೆ ಇಷ್ಟವಿಲ್ಲವೋ ಎಂಬ ಅನುಮಾನ ಬರುತ್ತದೆ.

ಹಿಂದೆ ರಾಜ್ಯಪಾಲರು ತಮ್ಮ ಭಾಷಣದಲ್ಲಿ ತಾಲ್ಲೂಕು ಬೋರ್ಡುಗಳ ಚುನಾವಣೆಯಲ್ಲಿ ನಡೆ ದಂತಹ ಘಟನೆಗಳನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಿ ಪ್ರಸ್ತಾಪ ಮಾಡಿದ್ದಾರೆ. ಇವೊತ್ತು ಈ ಸರ್ಕಾರದ ಬಗ್ಗೆ ರಾಜ್ಯಪಾಲರು ಅನುಮಾನ ಮತ್ತು ಶಂಕೆಯನ್ನು ವ್ಯಕ್ತಪಡಿಸಿ ಏನಾದರೂ ಈ ಸಭೆಗೆ ಮಾರ್ಗ ದರ್ಶನ ಕೊಡುತ್ತಾರೆ ಎನ್ನುವ ಒಂದು ಹೆದರಿಕೆಯಿಂದ ರಾಜ್ಯಪಾಲರನ್ನು ಬಡ್ಜೆಟ್ ಅಧಿವೇಶನಕ್ಕೆ ಮೊದಲೇ ಕರೆಸಿ ಅವರಿಂದ ಭಾಷಣವನ್ನು ಮಾಡಿಸಲಿಲ್ಲವೇ ಹೇಗೆ? ಇವೊತ್ತು ರಾಜ್ಯಪಾಲರು ಭಾಷಣ ಮಾಡಿ ಈ ಸಭೆಗೆ ಮಾರ್ಗದರ್ಶನ ನೀಡಿದ್ದರೆ ನಾವು ಎಷ್ಟು ಶಕ್ತಿಯುತವಾಗಿ ಮಹತ್ವ ಪೂರ್ಣವಾದ ರೀತಿಯಲ್ಲಿ ಬಡ್ಜೆಟ್ಟಿನ ಚರ್ಚೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿ ಭಾಷಣ ಮಾಡಬಹುದಾಗಿತ್ತೋ ಆ ಮಟ್ಟದಲ್ಲಿ ಈ ಆಯವ್ಯಯದ ಚರ್ಚೆಯಲ್ಲಿ ಭಾಗವಹಿಸಲು ಅವಕಾಶವಾಗದೆ ಇರಬಹುದು. ಇಂಥಾ ಸಂದರ್ಭದಲ್ಲಿ ಹಣಕಾಸಿನ ಮಂತ್ರಿಗಳು ಬಡ್ಜೆಟ್ಟನ್ನು ಮಂಡನೆ ಮಾಡುವುದರಿಂದ ನಮ್ಮ ಹಕ್ಕಿಗೆ ಚ್ಯುತಿ ಬರುತ್ತದೆ ಎಂದು ನಮ್ಮ ಅಭಿಪ್ರಾಯ.

ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶಿಮಠ.—ಒಂದು ಕ್ರಿಯಾಲೋಪ ಸ್ವಾಮಿ. ಈ ಬಗ್ಗೆ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ ದವರು ತೀರ್ಮಾನವನ್ನು ಕೊಟ್ಟಿರುವುದರಿಂದ ಮತ್ತೊಮ್ಮೆ ಇದನ್ನು ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ವಿದೆಯೇ?

Mr. SPEAKER.—There is no force in the point of order. Hon. Member thinks there is a breach of privilege and he is trying to make out a case. But, I have not yet admitted the privilege motion. That has nothing to do with the points suggested by the hon. Member.

ಶ್ರೀ ಎಚ್. ಎನ್. ನಂಜೇಗೌಡ.—ನಾನು ನ್ಯಾಯಾಲಯದ ತೀರ್ಪನ್ನು ಪ್ರಶ್ನೆ ಮಾಡುತ್ತಿಲ್ಲ. 175ನೇ ವಿಧಿಯ ಪ್ರಕಾರ ರಾಜ್ಯಪಾಲರು ನಮಗೆ ಮಾರ್ಗದರ್ಶನ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಇದೆ. ಮುಂದುವರಿದ ಬಡ್ಜೆಟ್ ಸಭೆಗಳು ನಡೆಯತಕ್ಕಂಥ ಸಂದರ್ಭ ಬಂದರೆ ರಾಜ್ಯಪಾಲರು ಈ ಸಭೆಗೆ ಮಾರ್ಗದರ್ಶನ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿರಲಿ ಎನ್ನುವ ಉದ್ದೇಶದಿಂದ 175ನೇ ವಿಧಿಯನ್ನು

ರಾಜ್ಯಾಂಗದಲ್ಲಿ ಸೇರಿಸಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಹಿಂದಿನ ಅನೇಕ ಅಧಿವೇಶನಗಳಲ್ಲಿ ಕೂಡ ಸರ್ಕಾರದವರು ಹೇಳದೇ ಇರತಕ್ಕಂಥ ಮತ್ತು ಸರ್ಕಾರದ ಪತಿಯಿಂದ ಗೊತ್ತಾಗದೆ ಇರತಕ್ಕಂಥ ಅನೇಕ ವಿಷಯಗಳ ಬಗ್ಗೆ ರಾಜ್ಯಪಾಲರು ಈ ಸಭೆಗೆ ತಿಳುವಳಿಕೆಯನ್ನುಂಟು ಮಾಡಿ ಮಾರ್ಗದರ್ಶನ ಮಾಡಿದ್ದಾರೆ. ಈ ದೃಷ್ಟಿಯಿಂದ ಈಗಲೂ ಕೂಡ ಅಂಥಾ ಒಂದು ಮಾರ್ಗದರ್ಶನವನ್ನು ಮಾಡಲು ರಾಜ್ಯಪಾಲರು ಭಾಷಣವನ್ನು ಮಾಡದೆ ಮಾನ್ಯ ಹಣಕಾಸಿನ ಮಂತ್ರಿಗಳು ಬಜೆಟ್ಟನ್ನು ಮಂಡನೆ ಮಾಡಿದರೆ ನಾವು ಶಕ್ತಿಯುತವಾಗಿ ಈ ಚರ್ಚೆಯಲ್ಲಿ ಭಾಗವಹಿಸುವುದಕ್ಕೆ ಕಷ್ಟವಾಗುತ್ತದೆ. ಈಗ ನಮಗೆ ಮಹತ್ವಪೂರ್ಣವಾದ ಘಟನೆಗಳ ಬಗ್ಗೆ ವಿಚಾರ ಗೊತ್ತಿಲ್ಲದೇ ಇರಬಹುದು. ಅವುಗಳನ್ನು ನಾವು ರಾಜ್ಯಪಾಲರ ಭಾಷಣದಿಂದ ತಿಳಿದುಕೊಂಡು ಪ್ರಭಾವಯುತವಾಗಿ ಈ ಚರ್ಚೆಯಲ್ಲಿ ಭಾಗವಹಿಸುತ್ತೇವೆ ಎನ್ನುವ ಉದ್ದೇಶದಿಂದ ನಮ್ಮ ಹಕ್ಕು ಬಾಧ್ಯತೆಗಳನ್ನು ಮೊಟಕು ಮಾಡಿ ಸರ್ಕಾರದವರು ನಮ್ಮ ಹಕ್ಕಿಗೆ ಚ್ಯುತಿ ತರತಕ್ಕಂಥ ಕಾರ್ಯವನ್ನು ಮಾಡಿದ್ದಾರೆ, ಮತ್ತು ಕರ್ತವ್ಯ ಲೋಪ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಈ ಬಗ್ಗೆ ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಬೇಕು. ಈಗ ಸರ್ಕಾರದವರು ನಮ್ಮ ಹಕ್ಕಿಗೆ ಲೋಪ ತಂದಿದ್ದಾರೆ ಮತ್ತು ಚ್ಯುತಿ ತಂದಿದ್ದಾರೆ ಎಂದು ನಾನು ಹೇಳುವುದಕ್ಕೆ ಇಷ್ಟಪಡುತ್ತೇನೆ.

†Sri H. M. CHANNABASAPPA (Periyapatna).—I would like to add a few points to what Sri H. N. Nanje Gowda has placed before the Hon. House. The Governor has two sets of duties imposed on him under the Constitution. One set of duty is that he acts on his own initiative and discretion. The other set of duty is wherein he has to function on the recommendations of the Government. Here is a case Sir, wherein the Governor has to function on the recommendations of the Government. Proroguing the session is a thing which is normally done by the Governor. Whenever the House is to be prorogued and whenever a speech is to be delivered by the Governor both under Articles 175 and 176 of the Constitution, it has to be done on the initiative of the Government. In all democratic countries throughout the world, the Governor does not deliver the speech of his own. The material for the speech will be supplied by the Government. During last December an urgent Session was called for a specific purpose and that Purpose was fulfilled and there was absolutely no necessity for continuing the Session and make this an adjourned Session. In all previous years it was not done like that. So this Session has to be considered a fresh Session and not as an adjourned Session of the previous year. But, you are calling it as an adjourned Session. Article 176 makes it very clear.

It reads thus :

"176. (1) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly or, in the case of a State having a Legislative Council, both Houses assembled together and inform the Legislature of the causes of its summons."

The intention of the Constitution makers is that there is no necessity to continue the adjourned session of the Legislative Assembly during next year as it is specifically provided. Therefore, it must be a fresh session. It is also too much to interpret the Constitution in any other way. I am sure you will agree with me that the Government for discharging its normal duties should have advised the Governor to prorogue the

(SRI H. M. CHANNABASAPPA)

Session. Considering all the points and issues, this Session happens to be a Budget Session and is a first Session of this House during this year 1971. The Governor has to take note of the outstanding issues that have taken place in the country. He should know the political situation, social situation financial situation and various other administrative activities.

You will see from the speeches that have been delivered by the Governor from time to time in every first Session at the Commencement of the year, either in Ferburay or March, the Governor draws the attention of the House to the outstanding events that have taken place in all spheres of human activity, particularly in the State and apprises the House of the major problems that are facing the State and the Country, both financially and otherwise. It was the duty of the Government to advise the Governor to make a speech here, whether it is under Article 17h or 175, setting out the outstanding problems so that this House might have the privilege of discussing the Governor's Address for two to three or four days, as the case may be, and express our opinion; and this is a privilege, a right which is being enjoyed by this House from time immemorial. Why exactly the Government did not choose to advise the Governor, is a matter for the Chief Minister to explain. I could give reasons for it, but I do not want to do at this juncture. There have been some misgivings in the minds of the Government; they do not want these outstanding issues and events that have taken place in this Country, to be discussed here; they want to somehow get on and see that they do not come in for comments of various kinds. Therefore, it is very wrong on the part of the Government to have advised the Governor not to address this House. By this, we have lost a very valuable privilege of hearing the Governor on important issues. Therefore, it is a failure on the part of the Government in its duty to advise the Governor either to prorogue the Session or to address this House under Art. 175 or 176, as the case may be. This valuable right we have lost. Therefore, I request that you may kindly give your consent to this motion keeping in view all the points that have been explained so far.

(*Sri S. Sivappa Rose*)

MR. SPEAKER.—We are at the stage of admission and not at the stage of debate.

SRI K. H. PATIL.—My point of order is this. If you come to the conclusion that it is not proper to present the Budget without the usual Governor's Address, then all the proceedings will become invalid.

MR. SPEAKER.—At the moment, we are only at the stage of admission.

SRI H. SIDDAVEERAPPA.—Let the hon. Member Sri Sivappa be permitted to say whatever he has got to say even on the matter of

admissibility of such an important issue. I have got something to say. So, please withhold your finding until you hear me also. As soon as Sri Sivappa completes his speech, I will also Speak.

Mr. SPEAKER.—Until the motion is admitted, it connot become the property of the House. Let us not set up bad precedents.

Sri R. DAYANAND SAGAR.—Is there any time when this Assembly went without the Governor's Address ? Let us know whether there has been such a precedent.

Sri H. SIDDAVEERAPPA.—The occasion of Governor's Address is not merely for taking photo. Delivery of Governor's address is an established custom.

Mr. SPEAKER.—I shall decide the question of admission.

† ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ (ಶ್ರವಣಬೆಳಗೊಳ).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ನಮ್ಮ ಮೈಸೂರು ಶಾಸನ ಸಭೆಯ ಇತಿಹಾಸದಲ್ಲೇ ಇಂತಹ ಒಂದು ಪ್ರಶ್ನೆ ಇದ್ದಿರುವ ಗೆ ಎದ್ದಿರಲಿಲ್ಲ. ಆರ್ಟಿಕಲ್ 176ನೇ ವಿಧಿ ಪ್ರಕಾರ ಎರಡೂ ಸಭೆಯ ಜಂಟಿ ಅಧಿವೇಶನವನ್ನು ವರ್ಷದ ಪ್ರಥಮದಲ್ಲಿ ಕರೆದು ರಾಜ್ಯಪಾಲರು ಭಾಷಣ ಮಾಡತಕ್ಕದ್ದು ನಿರ್ದಿಷ್ಟವಾಗಿರತಕ್ಕ ವಿಚಾರ. ಆದರೆ, ಇವತ್ತು ತಾವು ಕೊಟ್ಟ ನೋಟೀಸಿನಲ್ಲಿ ಏನಿದೆ ಅಂದರೆ, ನಾವು ಶಾಸನ ಸಭೆಯನ್ನು ಕರೆದಿದ್ದೇವೆ ಎಂದು ಹೇಳಿ ನಮ್ಮನ್ನೆಲ್ಲಾ ಈ ಸಭೆಗೆ ಕರೆದಿದ್ದೀರಿ. ಅಂದರೆ, ಇದು ಮುಂದುವರಿದ ಸಭೆ—ವರ್ಷದ ಪ್ರಥಮ ಸಭೆಯಲ್ಲ ಎಂದು ಹೇಳಿದ್ದೀರಿ. ಆದರೆ ರಾಜ್ಯಪಾಲರು ಸಂಪ್ರದಾಯದ ಪ್ರಕಾರ ಎರಡೂ ಸಭೆಯ ಒಂದು ಜಂಟಿ ಅಧಿವೇಶನವನ್ನು ಕರೆದಾಗ ಅವರ ಮುಂದೆ ಸರ್ಕಾರದ ನೀತಿ-ನಿಯಮಗಳನ್ನು ಮತ್ತು ಮುಂದೆ ಸಾಧಿಸಬೇಕಾದ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಅವರ ಬಾಯಲ್ಲಿ ಹೇಳತಕ್ಕದ್ದು ವಾಡಿಕೆ. ಅದರ ಬದಲು ಸರ್ಕಾರದವರು ಬಜೆಟನ್ನು ಇಲ್ಲಿ ಮಂಡನೆ ಮಾಡತಕ್ಕದ್ದು ಘಟನೆಯ ವಿಧಿ ಪ್ರಕಾರ ಸರಿಯಾದುದಲ್ಲ ಮತ್ತು ಅದು ಪ್ರಜಾ ಪ್ರಭುತ್ವದ ನಿಯಮಗಳಿಗೆ ವಿರುದ್ಧವಾಗಿದೆ. ರಾಜ್ಯಪಾಲರ ಹುದ್ದೆ ಶೃಂಗಾರಕ್ಕೋಸ್ಕರ ಇರಬಹುದು: ಆದರೆ, ಸರ್ಕಾರದವರು ಮಾಡತಕ್ಕ ಕೆಲಸ ಕಾರ್ಯಗಳ ಬಗ್ಗೆ ಈ ಉಭಯ ಸದನಗಳಿಗೆ, ರಾಜ್ಯಪಾಲರು ತಮ್ಮ ಬಾಯಲ್ಲಿ ಹೇಳತಕ್ಕಂತಹ ಅವಕಾಶ ಇದೆ. ಆ ಒಂದು ಅವಕಾಶವನ್ನು ಬಿಟ್ಟು ಈ ರೀತಿ ಮುಂಗಡ ಪತ್ರವನ್ನು ಮಂಡಿಸುವುದು ಸರಿಯಲ್ಲ. ಇವತ್ತು ಆ ರೀತಿ ರಾಜ್ಯಪಾಲರು ಉಭಯ ಸಭೆಗಳನ್ನು ಉದ್ದೇಶಿಸಿ ಮಾತನಾಡದಿರುವುದು ಒಂದು ಟೆಕ್ನಿಕಲ್ ಅಬ್‌ಜೆಕ್ಷನ್. ಪ್ರಜಾ ಪ್ರಭುತ್ವ ಎಂಬುದು ಅದರ ಮುಖವಾಡದಿಂದ ಮಾತ್ರ ತಿಳಿಯುವುದಿಲ್ಲ, ಅದು ಎಷ್ಟುಮಟ್ಟಿಗೆ ಅದರ ತತ್ವವನ್ನು ಅಂಗಿಕಾರ ಮಾಡುತ್ತದೆ ಎಂಬುದು ಪ್ರಾಮುಖ್ಯವಾದ ವಿಚಾರ. ಇವೊತ್ತಿನ ದಿವಸ ಆ ಒಂದು ಟೆಕ್ನಿಕಲ್ ಅಬ್‌ಜೆಕ್ಷನ್ ಸರಿಯೋ ತಪ್ಪೋ ಎಂದು ಕೋರ್ಟಿಗೆ ಹೋಗಿ ವಾದಮಾಡ ತಕ್ಕ ವಿಚಾರ ಇದಲ್ಲ. ಇದು ನಮ್ಮ ಶಾಸನ ಸಭೆಯಲ್ಲಿ ತಿರ್ಮಾನ ಮಾಡತಕ್ಕ ವಿಚಾರ. ನಾವು ನಮ್ಮ ಸಂಪ್ರದಾಯವನ್ನು ಬೆಳಸಿಕೊಂಡು ಬರುವುದಕ್ಕೆ ಏನು ಮಾಡುತ್ತಿದ್ದೇವೆಂಬುದು ಮಹತ್ವವಾದ ವಿಚಾರ. ಯಾವುದೋ ಒಂದು ಕಾರಣಕೋಸ್ಕರ ಇದು ಮುಂದುವರಿದ ಸಭೆಯೆಂದು ಹೇಳಿ, ನಾವು ಸಭೆಯ ಕಾರ್ಯಕಲಾಪಗಳನ್ನು ಮುಂದುವರಿಸುವುದು ಸರಿಯಲ್ಲ. ಹತ್ತಾರು ವರ್ಷಗಳಿಂದ ಏನು ಸಂಪ್ರದಾಯಗಳನ್ನು ಈ ರಾಜ್ಯದಲ್ಲಿ ನಾವು ಹಾಕಿಕೊಂಡು ಬಂದಿದ್ದೇವೋ ಆ ಸಂಪ್ರದಾಯಗಳನ್ನು ಅಳಿಸಬೇಕೆಂಬ ಕೆಲಸ ಇದರಿಂದ ಆಗಬಾರದು ಎಂದು ನನ್ನ ಆಶೆ. ಇವತ್ತು ಇಡೀ ರಾಜ್ಯದ ಶಾಸನ ಸಭೆಗಳ ಅಧಿವೇಶನಗಳ ಚರಿತ್ರೆಯನ್ನು ತೆಗೆದುಕೊಂಡು ನೋಡಿದ್ದೇ ಆದರೆ, ಯಾವಾಗಲೂ ಪ್ರಥಮ ಸಭೆಯಲ್ಲಿ ಜಂಟಿ ಅಧಿವೇಶನ ನಡೆಸಿ ರಾಜ್ಯಪಾಲರ ಮುಖಾಂತರ ಸರ್ಕಾರದ ನೀತಿ-ನಿಯಮಗಳೇನೆಂಬುದನ್ನು ಅವರಿಂದ ಭಾಷಣ ಮಾಡಿಸಿ ಓದಿಸಿದ್ದೀರಿ.

2-30 P.M.

ಸರ್ಕಾರ ಎಷ್ಟೋ ಕೆಲಸಗಳನ್ನು ಮಾಡಿರಬಹುದು. ಅವರು ಮಾಡಿರತಕ್ಕ ಕಾರ್ಯಸಾಧನೆ, ನೀತಿ-ನಿಯಮಗಳು ಏನಿವೆಯೋ ಅವನ್ನು ರಾಜ್ಯಪಾಲರ ಮುಖಾಂತರವೇ ಹೇಳಿಸಿದ್ದೀರಿ. ಈ ಸಭೆಗೆ ಸರ್ಕಾರದ ನೀತಿ-ನಿಯಮಗಳೇನು ಎಂಬುದನ್ನು ಹಣಕಾಸಿನ ಮುಂಗಡಪತ್ರ ಈ ಸಭೆಯಲ್ಲಿ ಮಂಡಿಸುವುದಕ್ಕೆ ಮುಂಚಿತವಾಗಿ ರಾಜ್ಯಪಾಲರ ಭಾಷಣದ ಮೂಲಕ ತಿಳಿಯುತ್ತಿತ್ತು. ಸರ್ಕಾರದ

(ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ)

ಕಾರ್ಯಕ್ರಮಗಳು ರಾಜ್ಯಪಾಲರ ಭಾಷಣದ ಮೂಲಕ ಬರತಕ್ಕ ಪಾಲಿಸಿ ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಏನಿದೆಯೋ ಅದು ಇವರ ನೀತಿಗೆ ಅನುಗುಣವಾಗಿದೆಯೇ ಎಂಬುದನ್ನು ನೋಡುವುದು ಪ್ರಾಮುಖ್ಯವಾದ ವಿಚಾರ. ಆದ್ದರಿಂದ ಮೊದಲು ಹಣಕಾಸಿನ ಸಚಿವರು ಬಜೆಟ್ ಭಾಷಣ ಮಾಡಿ ನಂತರ ರಾಜ್ಯಪಾಲರು ಅದೇ ಭಾಷಣವನ್ನು ಈ ಸಭೆಯಲ್ಲಿ ಮಾಡಿದರೆ ಅದು ತಿರುಗು-ಮುರುಗು ಆಗುತ್ತದೆ. ಇದು ಒಳ್ಳೆಯ ಸಂಪ್ರದಾಯವಲ್ಲ. ನಾನು ಈ ಮಾತನ್ನು ಒಳ್ಳೆಯ ಸಂಪ್ರದಾಯದ ದೃಷ್ಟಿಯಿಂದ ಹೇಳುತ್ತಿದ್ದೇನೆ. ಈಗ ಇವರು ಮಾಡಿರತಕ್ಕದ್ದು ಸರಿಯಾದ ಮಾರ್ಗವಲ್ಲ. ತಾವು ಸಾಮಾನ್ಯವಾಗಿ ಅಡ್ಜರ್ನ್ಡ್ ಸೆಷನ್ನಿಗೂ ಸೈನ್ ಡೈ ಎಂದು ಹೇಳುತ್ತೀರಿ. ಅಧಿವೇಶನ ಪ್ರೋರೋಗ್ ಮಾಡಿದಮೇಲೆ ರಾಜ್ಯಪಾಲರು ಮೊದಲು ಭಾಷಣ ಮಾಡಬೇಕು. ಆ ರೀತಿ ಮಾಡದೆ ಇದ್ದುದರಿಂದ ಸರ್ಕಾರಕ್ಕೂ ಮತ್ತು ರಾಜ್ಯಪಾಲರಿಗೂ ಏನಾದರೂ ಮನಸ್ತಾಪ ಇದೆಯೇ ? ರಾಜ್ಯಪಾಲರು ಏನು ಹೇಳಿದ್ದಾರೋ, ಇವರು ಏನು ಹೇಳಿದ್ದಾರೋ ಎಂಬ ಶಂಕೆ ನನಗಿದೆಯೆಂದು ಹೇಳುತ್ತೇನೆ. ಇಂತಹ ಶಂಕೆಗೆ ಖಂಡಿತವಾಗಿ ಅವಕಾಶವಾಗಬಾರದು, ರಾಜ್ಯಪಾಲರು ಯಾರೇ ಆಗಿರಲಿ, ಅವರು ಹೇಳುವುದು ಒಂದು, ಇವರು ಹೇಳುವುದು ಒಂದು ಆಗಬಾರದು. ಪಾರ್ಲಿಮೆಂಟರಿ ಡೆಮಾಕ್ರಸಿಯ ಚರಿತ್ರೆಯನ್ನು ನಾವು ಓದುವುದಾದರೆ, ಅದರ ನೀತಿ-ನಿಯಮಗಳೇನೆಂಬುದನ್ನು ನಾವು ಮನಗಾಣಬೇಕು. ಅದಕ್ಕೆ ವಿರೋಧವಾಗಿ ಇವತ್ತು ಇಂತಹ ದುರ್ನೀತಿ ಮಾರ್ಗದಲ್ಲಿ ಕೆಲಸಗಳು ಆಗಬಾರದು. ಇವತ್ತು ಇವರು ಮಾಡಿರತಕ್ಕ ಒಂದು ಕ್ರಮ ಏನಿದೆಯೋ ಅದು ಜನತೆಯಲ್ಲಿ ಮತ್ತು ಈ ಶಾಸನ ಸಭೆಯಲ್ಲಿ ಒಂದು ಶಂಕೆಯನ್ನು ತಂದೊಡ್ಡುವುದಕ್ಕೆ ಅವಕಾಶವಾಗಿದೆ. ಏತಕ್ಕೋಸ್ಕರ ಜಂಟೀ ಅಧಿವೇಶನವನ್ನು ಕರೆಯಲಿಲ್ಲ ? ಏನಾದರೂ ರಾಜ್ಯಪಾಲರಿಗೂ ಇವರಿಗೂ ಮನಸ್ತಾಪ ಇತ್ತೇ ಎನ್ನುವ ಮಟ್ಟಕ್ಕೆ ಇದು ಹೋಗಿದೆ. ಆದುದರಿಂದ ನಾನು ಸಭಾಪತಿಯವರಿಗೆ ಸಂಪ್ರದಾಯದ ದೃಷ್ಟಿಯಿಂದ ಹೇಳುತ್ತಿದ್ದೇನೆ. ಸಂಪ್ರದಾಯಗಳನ್ನು ಪಾಲಿಸಿಕೊಂಡು ಬರತಕ್ಕ ಕಟ್ಟುನಿಟ್ಟು ಬ್ರಿಟಿಷರಲ್ಲಿ ಇವತ್ತೂ ಇದೆ. ಅಂಥಾದ್ದರಲ್ಲಿ ಇವತ್ತು ನಾವೇ ಹಾಕಿಕೊಂಡಿರತಕ್ಕ ವಿಧಿ ಏನಿದೆಯೋ ಅದನ್ನು ತೊಡೆದುಹಾಕುವುದು ಸರಿಯಲ್ಲ. ಇದು ಅಡ್ಜರ್ನ್ಡ್ ಸೆಷನ್ ಆಗಿದ್ದರೂ ರಾಜ್ಯಪಾಲರ ಭಾಷಣವನ್ನು ತೊಡೆದುಹಾಕುವುದೂ ಅಷ್ಟು ಉಚಿತವಾದ ಮಾರ್ಗವಲ್ಲವೆಂದು ತಮ್ಮಲ್ಲಿ ಸೂಚನೆ ಕೊಡುತ್ತೇನೆ. ಆದ್ದರಿಂದ ನಾವು ಮೊದಲಿನಿಂದಲೂ ಬಂದಂಥ ಹಿಂದಿನ ಮಾರ್ಗವನ್ನೇ ಅನುಸರಿಸಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿ ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri R. M. PATIL (Navalgund).—Sir, I want to say something on this matter.

The responsibility of calling the first session each year rests upon this Speaker at the direction or order of the Government. In this case, I believe the Speaker has taken the responsibility on his own.

Mr. SPEAKER.—It is not correct.

Sri R. M. PATIL.—Please hear me. I know you are impatient. I can understand your anxiety.

Mr. SPEAKER.—There is no question of any anxiety at all. I request the hon'ble Member not to say anything in regard to me. That I have taken the responsibility to call for the session on my own, is a mis-statement of fact. I have not called the session on my own but it was done at the request of the Government.

† Sri R. M. PATIL.—This is a matter for the chair to explain, when questioned as to whether and how it has taken the responsibility. Under Article 176 of the Constitution the responsibility for calling every session at the commencement of every year rests upon certain authorities. It does not matter whether it is an ordinary session or an adjourned session. Whether it be an adjourned session or ordinary session, when it assumes the character of the first session at the

commencement of a year, it is called the first session. The question of "adjourned session" does not arise. The interpretation that is sought to be given is not also correct. Whether the session should be prorogued or continued, it is the duty and the responsibility of the officers in charge to decide. So far as the Members of this august House are concerned, they have got certain rights. They have got certain interests. They have got certain privileges,—the right to hear the Governor, to know the policies and programmes of the Government and the administration at the commencement of every year. By failing to include the address of the Governor in the programme, practically, the Chair has deprived the members of their rights and privileges. From that point of view, if the Chair considers it as a grave mistake, it is not too late even now to correct it. If it is an ordinary mistake, it can then be corrected. But my humble submission to this august House is, it is done either unintentionally or through ignorance of the provisions of law. If it is done intentionally, then the person responsible for it will have to face the consequence. When I say that this is done intentionally in this manner, my apprehension is that perhaps this Government feels that for discussion on the Governor's address and reply of Governmet to it, certain number of days of the House would be required. Their fear is that whether the Government will survive up to that time that may be the apprehension of the Hon. Ministers. That is one aspect.

The second aspect is whether if it is an innocent mistake. If it is the intention to take a vote on account within one week and then to adjourn the House, then I request the Speaker to call even now a regular session according to the provisions of Article 176 instead of continuing the blunders and constitutional mistakes and taking the consequences.

So far as the adjourned session is concerned, in the first place, the question is whether it is a constitutional session. If it is a Session constitutionally called, then only the proceedings of this House will be regular and valid legally. So, before the privilege motion is considered, it is advisable to consider the consitititionality of calling this Session. The Chair may please consider this aspect of the case. Unless the constitutionality and the procedure in calling the Session is clarified and decided, the proceedings will be invalid. That is the main contention. So far as privileges are concerned, the House will be deprived of its privileges if the Governor does not address this House. That is a clear case. So, from this aspect of the case, I crave the indulgence of the Chair to consider and advise the House and act legally.

†SRI H. SIDDAVEERAPPA (Harihar).—I may add one more point to what has already been stated. You were pleased to go to the United Kingdom where the Mother of Parliaments sits. As you know, there, Parliament means and also includes the Queen. Even if you see 'May's Parliamentary Practice', it is very clearly stated, without any contradiction whatsoever, that unless and until the Queen addresses, the

(SRI H. SIDDAVEERAPPA)

Parliament cannot function. It is not a mere idle formality. There is some reason why this is followed in the other countries where Democracy is practised. And even here, I would request the Hon. Speaker before he gives his decision, to go through the debates in the Constituent Assembly when this provision was on the anvil and the reason why this has been done. And, you will be pleased to see even in our own Parliament, the President of India is going to address the Parliament on a specified date, and the Governors also address every State Legislature. We were having it even in the pre-Constitution days. Now, to think of changing this procedure, is something strange.

As you know, the December 23rd Session—the Emergency Session—to which you called us by telegram and Gazette Notification, was for a specified purpose. What happened then ? There were two more items on the agenda—two Ordinances and Bills. You will be pleased to see that even these Bills were not taken into consideration. As soon as the border dispute was discussed and a resolution was passed, the Session was adjourned *sine die* by you and no other matter was allowed to be taken up. Even those Ordinances and Bills became inoperative due to afflux of time. We are building up a Democratic set-up. We are building up a precedent. Whatever may be the reason, I have got my own reason as to why they have not followed the regular procedure. You will have to consider this. Hon. Member Sri Siddiah Kashimath referred to the High Court decision. You might have read it by this time.

MR. SPEAKER.—I have received a copy.

SRI H. SIDDAVEERAPPA.—There, in the High Court decision, they have not said one word about Article 176. They have proceeded purely on the ground that this is an adjourned Session and it is not prorogued, and therefore, there is no bar for this Session being called. That is all what they say. Now, under Article 212, this august House is not barred from doing whatever it considers best in its wisdom within the four corners of the House. We are not bound by the decision of the High Court, in so far as that portion of it is concerned. Even otherwise, their Lordships have not given any findings. Taking all these facts into consideration, I have got one other argument to advance, which I will do, with your permission at the appropriate time.

† SRI M. NAGAPPA.—With the permission of the Chair, I would call this Session as most unusual Session that has been called. I do not call it an illegal Session. There is a distinction between an illegal Session and an unusual Session. My submission is that the Government is, to some extent, responsible for taking away the rights of the Members of this House, to hear the address of the Governor, which is a valuable right conferred by the provisions of the Constitution. Now, I need not explain what is the procedure for calling a Session and what is the procedure that is being adopted for

the prorogation of a Session. Both for calling a Session and for the prorogation of a Session, the Government and the Speaker are responsible. On the advice of the Government only, the Governor will exercise his right vested under Article 175 or 176 of the Constitution. Similarly, he will exercise the right of prorogation vested in him under Article 174. While considering this, we have to see why the Government has called the present Session. It has been the practice at least in India, in the Indian Parliament—I do not want to go into the procedure existing in the States, because it may differ from one State to another—after 1951 and 1952, after the amendment of Articles 87 and 176, before the Budget Session, always, the President of India has been addressing the House. I will quote one instance from the Practice and Procedure of Parliament'' by Sri M. N. Kaul on Page 145 : ''Similarly, after the commencement of Article 187 (1) during the third Session of the third Lok Sabha which commenced on November 8, 1962, it was adjourned to December 11, 1962, met again on January 21, 1963. Since the Lok Sabha was not prorogued, the President did not address the Lok Sabha, when it met on January 21, 1963. The President addressed both the Houses of Parliament in February, 1963, before the opening day of the next Session.'' That means, before the budget was taken into consideration, or presented on the floor of the House before the Parliament, even though an emergency was there, and even though the Session was legally called in the month of January, still the Members of the House were given the opportunity to hear the address of the President of India. Similarly, here, the Government is responsible to take away the right that has been given by the Constitution. The Governor is not responsible. If the Government had advised the Governor that the House should be prorogued and that the Government is going to call a budget Session and that the Members should be given an opportunity to hear the Governor, then, definitely, the House would have been prorogued, and then the ''commencement of the first Session '' would have been there and this Session would have been the first Session for 1971. But, the Government, willingly, or intentionally, or with whatever purpose it may be, has taken away that right by not advising the Governor to prorogue the House and call a separate Session for this particular purpose. Therefore, it is incumbent upon the Speaker to see whether the motive of the Government is clean and whether the Government is not intending to take away the right of the Members of this House to hear the Governor. This is the usual practice and, so far as I know, this is the first time in the history of Mysore Legislature that there is no Governor's Address. It is a most unusual Session that has been called with what purpose ? With the ulterior motive of absolving them from their duty to ask the Governor to Address the House. They have not done this for the simple reason that we should be handicapped in discussing the budget. How can we sanction the budget unless we know what happened last year and what are the programmes for the coming year ? Therefore, in order to handicap the members, the Government have purposely not advised the Governor to prorogue the House. This is one aspect.

(SRI M. NAGAPPA)

Secondly, my submission is that the House has already been prorogued. As per the notification, His Excellency called this Session on 19th December 1970 to assemble on the 23rd December 1970. So, this Session was treated as an emergent Session as per Rule 3 of the Rules of Procedure which has been framed in pursuance of article 176 of the Constitution. One has to bear in mind that an emergent Session is called for a particular purpose. If that purpose is over, the emergency is over and no sooner than the emergency is over, that session is also over. It need not be stated in so many words that the House is prorogued. There is no specific law here as to how a House is to be prorogued just as in the case of England where there is a special Act for prorogation. So, no sooner than the purpose for which an emergent session is called is over, the house is deemed to be prorogued. If we take into consideration the dictionary meaning of the word 'prorogue' it means 'discontinue'. So, if we take the literal meaning, no sooner than the purpose for which an emergent session has been called is over, the House is deemed to be prorogued. Therefore, my submission is that, if the Hon. Speaker feels that this is the first Session of this year, then quite illegal to hold the session that without Governor's Address. If, however, the Hon. Speaker were to hold that it is legal, then I cannot come in the way of his ruling. I, however, humbly submit that it is the right of every Member of this House to hear the Governor first before considering the budget. So, at least, that opportunity should be provided to us by you, who is the custodian of the rights and privileges of the Members of this House. So, I take it that you will give us that right ; otherwise. it amounts to breach of privilege of the Members of this House. With these remarks, I submit that it amounts to a breach of privilege.

† SRI V. N. PATIL (Humnabad).—Sir, now it has been said in so many words that this Session is an adjourned session. I want to say that this is not an adjourned session. While interpreting a statute, we have to look not to the marginal notes but to the letter and spirit of the provisions of the statute. Here, the Hon. Sepaker is considering the question of admissibility or otherwise of the motion. Before admitting an appeal, two things are to be considered: one, it must be a patent illegality; another thing is, that a person who comes to move an appellate court must come with clean hands. Here, this entire House is the aggrieved party which is entitled to hear the Governor as to what are the policies of the Government and what for the Government intend to spend money. We have to know what the Government have done during the last one year and what they are going to do in the coming year. It cannot be said that his being an adjourned session, there is no need for the Governor to address the Houses or that it is not, the privilege of the Members of this august House to have the Governor's address.

3·00 P.M.

If this is an adjourned session, I wold like to ask, what is the business that we are going to transact in this Session? Is this not really a budget session to pass the budget for the coming year 1971-72? Are we not going to transact business relating to budget demands in this Session and are we not going to sanction those demands for the year 1971-72? The business that we are actually going to transact in this Session is for the year 1971. We are taking refuge under the term "adjourned Session". I think it is not a technical mistake; it is not a clerical mistake, but it is a deliberate and politically motivated blunder which has put the Hon. Speaker in a predicament, which has made we members, to lose our privileges and which has prevented the Governor from discharging his duties. We know that this Governor had faced worst situations in West Bengal and even in such situations, he discharged his duty by reading his address for a few minutes and placing the Address on the Table of the House. This Government by not advising the Governor to read his Address has failed in its duty. This is not an omission on the Part of the Government, but this is a deliberate collusion between the Government........

MR. SPEAKER.—The hon. Member is only repeating the points already made out.

SRI V. N. PATIL.—Before I am making out my point, you are interrupting me. The point that I am making out is that the expression "adjourned session" should not come in the way of the rights and privileges of the members. In this connection, I am attributing motives to the Government which has told the Governor that he need not address this Session so that the Government may escape a barrage of questions and may not be required to face undesirable and unpalatable situations. It was precisely for this reason that the Government deprived all the three of their rights, the Governor of his right to address the House, the Members of their right and privilege to hear the Governor and the Chair of its discretion.

Coming to the next point, I want to suggest that the Speaker has to discharge his duties as an admission Judge. I would submit to the Speaker that if the hon. Members of this House fail to establish that they are not coming here with clean hands to seek redressal of their grievances, then he may refuse admission, but, if the Chair is satisfied with the pleadings of the hon. Members that they have come here with clean hands, then their speeches should be taken as the representations of the aggrieved party and in such a case, the Chair is, duty bound, to say that this is a fit case for admission.

As regards the interpretation of the term 'session', the Government has come to an illegal decision to call this session as an "adjourned session" and taking undue advantage of that interpretation to deprive the members of this House of the benefit of the Governor's Address.

(SRI V. N. PATIL)

I request the Chair to come to the rescue of the Members and see that the matter is admitted as a privilege motion and further discussion is permitted on the merits of the matter.

† SRI K. H. PATIL.—I have nothing to say about the privilege motion before you. I would like to make out a case by way of a point of order. The notice which has been issued to us is under the signature of T. Hanumanthappa, Secretary, "By Order of the Speaker". So, the learned Speaker has erred in summoning this Session as an adjourned Session. If this is taken as an adjourned Session of the December Session, then this Session is continuing from the month of December and so, we have to go back to the month of December. If that is so, then, it can very well be said that this is not a new Session. If this is a session in continuation of the December Session, then, the Agenda which was there before that Session should not have been changed unless some miracle were to happen. Budget was not at all for consideration in the month of December. If this is an adjourned Session as is sought to be made out and if this is a continuing session from the month of December, then, you cannot permit the budget to be placed before this Session. In that sense, this cannot be considered as an adjourned Session. If it is taken as adjourned Session, then, the financial statement cannot be placed before the House.

My lawyer friends have already placed before you the scope of article 176 of the Constitution. I would only submit that at the first Session, the financial statement is to be placed before the House and the financial statement is to be placed under article 202. Under article 202, it is the Governor who causes the financial statement to be placed before the House. The budget session is to be convened by the Speaker on the date determined by the Governor. In this connection, I would invite your attention to Rule 159. It says:

> "The Annual Financial Statement or the Statement of the estimated receipts and expenditure of the Government in respect of each financial year (hereinafter referred to as the 'Budget') shall be presented to the Assembly on such days as the Governor may direct."

It is also provided that the budget for a particular year has to be placed in the first session. When are you going to place the budget before the House? The Governor has to determine the date and communicate it to the Speaker and as advised by the Governor, the Speaker has to convene the Session You were pleased to say that as advised by the Governor, the Session has been convened. So, I need not say that the Speaker is completely wrong in this. This Government has misled the Speaker and made him to convene an illegal session. They might have done this to avoid an unpleasant situation for themselves. We also feel that they wanted to rage a war against the Centre because the

Governor is the representative of the Centre ; he is the appointed servent of the Central Government. It is through the Governor that the Centre can know what are the policies and programmes of the State Government bacause we are getting huge funds from the Centre for the benefit of our State and our people. Therefore, through their agent, the Governor, the Centre is watching over the activities of this Government. But this Government perhaps thought of evading the Centre by placing the Budget before the House in a certain manner Therefore, Sir, I would like to appeal to you to correct the situation. Even though we have committed something wrong, we can correct it. If you come to the conclusion that this is an adjourned session, then give priority to the agenda pending before the House on the date of the adjournment and complete that business first. Thereafter, you are not prevented from convening a fresh meeting. You can convene a fresh meeting according to the procedure laid down. Article 20: clearly indicates when Financial Statement is to be placed. It is not for the Goverement to decide when to place the Financial Statement. It is for the Governor to cause the financial statement to be placed before the House on a date to be determined by him. Before that, he has to ascertain the policies and programmes to be pursued by the Government for the ensuing year. Then, he has to advise the Speaker that on such and such a date the financial statement should be caused to be placed before the House. All these things are very clear from the provisions of the Constitution and the Rules of Procedure. My only request to the Speaker is that he is the custodian of the rights and privileges of this House. He is the custodian of the rights and privileges of the representatives of 2 crores of people, the general public. These 2 crores of people have given a verdict that they have no confidence in this Ministry.

Sri K. H. SRINIVASA.—May I know whether these 2 crores of people have been nationalised so that you are appointed their custodian ?

Sri K. H. PATIL.—The 2 crores of people have given their verdict not through bullet but through the ballot. They have given a clear verdict through the ballot that they have no confidence in the Council of Ministers and so, it is not proper on the part of the Government to flout the verdict of the people. So, I am appealing to you, Sir, to consider this aspect. If still you do not want to see reason, then we will be creating a very bad precedent by avoiding the procedure that has been laid down in the rules. Even if there be no provision in the rules, are you not competent to say that the Governor has to address this House ? Therefore, I appeal to you to come to the conclusion that this is a budget session and it is the privilege of the members to hear the address of the Governor before the opening of the budget session.

Sri VEERENDRA PATIL (Chief Minister).—Mr. Speaker, I have heard the arguments advanced by some of the hon. Members. I would deal with only relevant points that have been made out by the hon.

(SRI VEERENDRA PATIL)

Members. There is an allegation that this Government with some intention and motive has tried to avoid the Governor's Address to the Joint Session of the Legislature and thereby has gone against the established precedents in different legislatures of the States and also in the Parliament. So far as the question of this session is concerned whether it should be considered as an adjourned session or as the first session of the new year. I do not think it is necessary for me to deal with this matter because this matter was examined in greater detail by the Hon. High Court and the Hon'ble High Court has ruled that this session is not the first session of the year but it is the adjourned session. When there is a ruling from the High Court, I think it is the duty of every one of us to respect that ruling. Now, the question arises whether we try to establish bad precedents. This has to be gone into. I want to make it very clear to this House why we could not accommodate the Governor's Address in this current session. The reason is very obvious. We never try to run away from the Assembly. In fact, the elections to the Lok Sabha were over only on the 7th.

Sri H. SIDDAVEERAPPA.—In para 10 of the High Court Judgment, probably to which the Hon. Chief Minister referred to, they have not said as you have just now mentioned. What they have said is "we agree with the Advocate-General that meeting on the 15th March is not a new session at all but adjourned meeting of the 9th session." They have not taken into consideratson Art. 176.

Sri VEERENDRA PATIL.—I am dealing with all the problems. I think the hon. Member has got a copy of the judgment. That is why, I did not take the trouble of reading it. If the hon. Member so desire, I have no hesitation to place a copy of the judgment on the Table of the House. The question is whether this is a new session. Under Art. 176 of the Constitution, it is stated that at the commencement of the first session in each year, the Governor shall address the Houses. The question before us is whether this is a new session of the year. The High Court has ruled that this is not a new session but it is an adjourned meeting.

Sri H. SIDDAVEERAPPA.—If this is not the first session of the year and if the adjourned session is not prorogued, then you are culpable.

Mr. SPEAKER.—I have gone through the judgment.

Sri H. SIDDAVEERAPPA.—It is the duty of the Leader of the House to advise the Governor to prorogue and call a new session. You have failed in your duty.

Sri VEERENDRA PATIL.—That is altogether a different point that the hon. Leader of the Opposition is trying to make. What I said is under Arts. 202 and 176 of the Constitution, we have to see whether this is the first session or adjourned session. I say that this is not

the first session but it is an adjourned session. It is not only my contention but that has been ruled by the High Court. Now, the question is, why I did not advise the Governor to prorogue the House. That is altogether a different point that the Hon. Leader of the Opposition is trying to make at this stage. But what I wish to argue is that this is not the first session of the year. This is the adjourned session of the previous year. There is nothing unconstitutional and there is no violation of any rule or regulation in this.

The question that has to be examined is, whether this Government is trying to establish a bad precedent by avoiding the Governor's Address during the current session. That has to be examined, because so many hon. Members have said that this is unusual in parliamentary history. I want to quote one instance. We are meeting now. In Andhra Pradesh on the very first day, they presented the Budget and there was no Address of the Governor at all. Hon. Members can verify from records.

SRI H. SIDDAVEERAPPA.—The financial year there is from June to June.

SRI VEERENDRA PATIL.—The financial year throughout the Country is from 1st April to end of March. There cannot be any June to June financial year. The financial year is same for Mysore, Andhra or any other State.

SRI K. H. RANGANATH.—When does calendar year Commence ?

SRI VEERENDRA PATIL.—I must have an opportunity to have my own say.

SRI H. SIDDAVEERAPPA.—The Chair has to give us time to ask clarifications after he completes his speech.

SRI VEERENDRA PATIL.—According to him, this is a different session, but according to me, it is not so. Now, the question is, that in Andhra, the current session has begun without Governor's Address. There are precedents not only in Andhra but also in the Parliament. I can quote these precedents. I will read from the book " Practice and Procedure of Parliament " Page 145:

> " Similarly, after the amendment of article 87 (1) during the third session of Third Lok Sabha which commenced on November 8, 1962, the House was adjourned on December 11, 1962, to meet again on January 21, 1963. Since Lok Sabha was not prorogued, the President did not address Lok Sabha when it met on January 21, 1963. The President addressed both Houses of Parliament on February 18, 1963—the opening day of the next session. "

It was not in January. There is nothing either in the Constitution or in the rules to say that every presentation of the Budget has to be preceded by the Governor's Address.

Sri K. H. RANGANATH.—Sir, the Hon. Leader of the House is making a mis-statement.

Mr. SPEAKER.—I shall find out whether it is a mis-statement or a correct one.

Sri VEERENDRA PATIL.—Sir, that is the precedent that I have quoted. Hon. Member says that the earlier Session was an emergent Session or Special Session. The Chair is aware that there is nothing like Emergent Session or Special Session. So far as my knowledge goes, the last Session was not the Special Session.

Sri K. H. RANGANATH.—When the last Session was convened during December, How can the Chief Minister say that it was not an Emergent Session ?

Mr. SPEAKER.—I shall examine every aspect of it.

Sri VEERENDRA PATIL.—Whether it was or it was not, it is for the Hon. Speaker to verify and give a Ruling.

Sri K. H. RANGANATH.—Sir, telegrams were sent to us.

Mr. SPEAKER.—I have heard everybody. All the statement made by the hon. Members may not be correct. The Hon. Chie Minister is just arguing his case, and it is our duty to listen to him

Sri K. H. RANGANATH.—Sir, as the Leader of the House, he must place correct facts.

Sri H. N. NANJE GOWDA.—Sir, the Hon. Leader of the House is telling us that there was no Emergent Session. I refer to Rule 3 of the Rules of Procedure. In the proviso, it is stated :

> "Provided that when a session is called at short notice or emergently, summons may not be issued to each member separately but an announcement of the date and place of the session shall be published in the Gazette and made in the press and members may be informed by telegram."

I shall read the Express Telegram sent to us at that time :—

> " Assembly summoned to meet 23rd December 1 P.M. Request attendance. Secretary, Legislature."

The Hon. the Leader of the House is saying that it was not an Emergent Session and thereby misleading the House.

Mr. SPEAKER.—I will not be misled or led by anybody.

Sri H. N. NANJE GOWDA.—What the Hon. Leader of the House is saying is not in order. That is my point.

Sri VEERENDRA PATIL.—Sir, I want to submit one thing. I must have full opportunity to say whatever I want to say. After hearing me, it is for the Chair to give the Ruling, and I am here to obey the Ruling.

Now I come to our own Assembly. In our own Assembly, I think, it was in 1962, the first Session began on 15-3-1962 and ended on 7-11-1962. During this period, the House sat for 62 days. The average work done was 4 hours and 18 minutes per day. The second Session began on 3-12-1962 and ended on 18-11-1963 without the Governor's Address. So, in this House also, there was a precedent that when the Assembly was in Session, there was no Governor's Address. Now, whether the hon. Members are deprived of any general discussion is the point. On the other hand, I say that to some extent, it is to the advantage of this House because the hon. Members get two opportunities to discuss administration and other subjects. If it is immediately preceded by Budget Session, what happens is, there will be a general discussion on the Motion of Thanks to the Address by the Governor and immediately after that, again, there will be a general discussion on the Budget. There will be a duplication of general discussion during one and the same Session. On the other hand, if this is postponed, then they will have a second opportunity in a year; they will have two opportunities to have general discussion on general administration. That is one advantage.

Sir, the Hon. Leader of the Opposition mentioned about the precedent or convention in British Parliament. There, the Budget is presented in the month of April and the Queen's Address is in October. Budget is not preceded by the Queen's Address; both are separate.

Now, I humbly submit that there was no *mala fide* intention. If there was any *mala fide* intention, we would not have convened the Session at all. I am prepared to face the Assembly. The question before us is...

Sri H. N. NANJE GOWDA.—Is it correct to say that he would not have convened the Assembly? He is speaking in the spirit of a dictator. It is non-sense.

Sri VEERENDRA PATIL.—Sir, I do not understand the hon. Member. I do not want to reply to whatever he has said. My contention was that I was not afraid of facing the Session. Now, the difficulty is that the Lok Sabha elections were over only very recently–till yesterday, results were coming—and we have met today and the time at our disposal is so short that it becomes impossible to accommodate Governor's Address, because as everybody knows on 25th or 26th, there is Ugadi and our experience is that a day or two earlier, everybody wants to go home for the feast. We considered all these things and it became impossible for us to accommodate Governor's Address. We are taking only 'Vote on Account' and there will be ample opportunity not only to discuss the Budget but also the Governor's Address. There is no *mala fide* intention; there is no breach of privilege. This is what I wanted to submit to the Chair.

Sri H. SIDDAVEERAPPA.—I want a clarification.

Mr. SPEAKER.—This kind of discussion is not proper.

Sri H. SIDDAVEERAPPA.—Sir, he is the Leader of the House. I have a right to ask clarification. How can the Speaker come in the way? I want a clarification if he agrees to give.

ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಈಗ ತಾನೇ ಹೇಳಿದ ವಿಚಾರಗಳಲ್ಲಿ ಕೆಲವು ಅಂಶಗಳನ್ನೇನು ಅವರು ಪ್ರತಿಪಾದನೆ ಮಾಡಿದರು ಆ ಬಗ್ಗೆ ನಾನು ಒಂದೆರಡು ಅಂಶಗಳನ್ನು ಅವರ ಗಮನಕ್ಕೆ ತಂದು ಆ ಬಗ್ಗೆ ಅವರು ಏನು ಹೇಳುತ್ತಾರೆಂಬುದನ್ನು ಕೇಳಬೇಕೆಂದಿದ್ದೇನೆ.

3-30 P.M.

Mr. SPEAKER.—The matter is not under discussion. The only question is whether the notice is to be admitted or not.

† **Sri H. SIDDAVEERAPPA.**—I know that. I know what has to be done. Now Sir, the Hon. Leader of the House stated that the Hon. High Court has geven a decision on this issue. So far as that position is concerned, I know very well. I was also one of the petitioners and I was sitting in the High Court till the order was pronounced on one technical point *viz.*, whether this is an adjourned session or fresh one. A decision has been given by the Court that this is an adjourned Session. The High Court never entered into the merits of the provisions of article 176. I would like to bring to your notice the relevant provisions of the Constitution, particularly, Articles 202 to 206 which refer to the procedure in respect of financial matters. It has been clearly stated that :

> "202 (1) The Governor shall in respect of every financial year cause to be laid before the House or Houses of the Legislature of the State, a statement of the estimated receipts and expenditure of the State for that year, in this Part referred to as the 'annual financial statement.'
>
> (2) The estimates of expenditure embodied in the annual financial statement shall show separately—
>
> (*a*) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of the State ; and
>
> (*b*) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the State ;
>
> and shall distinguish expenditure on revenue account from other expenditure."

Then the subsequent provisions speak of the expenditure that could be charged to the Consolidated Fund of the State. Then there are articles which relate to procedure in Legislature with respect to estimates and Appropriation Bills etc. Article 206 relate to Votes on Account which according to the provisional programme of this House, the Government intends to take.

Sir, the only point here is whether there is any breach of privilege or not and you will have to consider this with reference to the rules of procedure which we ourselves have framed. What I wish to say is that in legislative meetings, the most important Session of all the Sessions is the Budget Session. Formerly, the Governor's Address was insisted upon at the commencement of each session. There after, they thought it cumbersome and reduced it to once a year. The Governor's Address is not a mere formal affair. It consists of the policies of the Government of the day, their past performance, what they propose to achieve by way of developmental works in the coming year, etc. The Governor's Address is the policy statement of the Government. The Governor merely reads the address prepared by the Government for the information of the hon. Members and public. In the absence of this, we do not know what the policies of the Government are; what they intend doing; we do not know except their raging a war against the Centre now and then. What are all the things that they expect from the Central aid? Therefore I would suggest, if you have not taken already a view in the matter to reconsider it. I can also quote from May's Parliamentary Practice wherein it has been stated that without the opening speech by the Queen, no Budget Session would commence in England. What the Leader of the House has stated is mere hotch-potch information. It does not bear scrutiny. Therefore, I personally feel that in all these matters, the financial aspect has been ignored or slurred over. The Chief Minister has either taken the House for granted or he thought that this matter could be slurred over. I personally feel that it is intentionally done because they are just now reeling from the onslaught they had in the recent elections. They are not in a position to place any proper budget before this House. Otherwise, how can we anticipate and say this is the reason ?

ಆಲೋಚನೆ ಮಾಡದೆ ಏತಕ್ಕಾಗಿ ಈ ದಿವಸ ಅವರು ಹೀಗೆ ಮಾಡಿದ್ದಾರೆ ಎಂದು ನಾನು ಅದಕ್ಕಾಗಿ ಅವರಿಗೆ ಈಗ ಕೇಳುತ್ತಿದ್ದೇನೆ. ನನಗಾದರೂ ಅನಿಸುತ್ತಿದೆ ಇವರಿಗೆ ಈ ದಿವಸ ಅಂಡಾಂಡ ಪಿಂಡಾಂಡಗಳೆಲ್ಲಾ ನಡುಗಿಹೋಗಿರುವುದರಿಂದ ಅವರಿನ್ನೆಷ್ಟು ದಿವಸ ಇಲ್ಲಿ ಕುಳಿತು ಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಧ್ಯ? ಅವರನ್ನು ಇಲ್ಲಿಂದ ಕೊಚ್ಚಿ ಹೋಗುವಹಾಗೆ ಜನರು ಮಾಡಿದ್ದಾರೆ. 27 ಸೀಟುಗಳಲ್ಲಿ 27ನ್ನೂ ಕಳೆದುಕೊಂಡು ನಾಚಿಕೆ ಇಲ್ಲದೆ, ನಾನೂ ಒಬ್ಬ ದೇಶದ ಮುಖ್ಯಮಂತ್ರಿ ಎಂದರೆ ಇದೆಷ್ಟು ಹಾಸ್ಯಾಸ್ಪದ? ಇವರಿಗೆ ಈ ದಿವಸ ಬಡ್ಜೆಟ್ಟನ್ನು ಸಭೆಯ ಮುಂದೆ ಇಡುವುದಕ್ಕೆ ಇವರಿಗೆ ನೈತಿಕ ಬಲವಿಲ್ಲ. ನಾನು ಹೇಳುವುದು ಇಷ್ಟು. ಇವೊತ್ತಿನ ದಿವಸ ನೀವು ಇಲ್ಲ ಮೈಸೂರು ರಾಜ್ಯದ ಬಡ್ಜೆಟ್ಟನ್ನು ತಯಾರಿಸಿ ಕೊಡುವುದಕ್ಕೆ ನೀವೇನಾದರೂ ಜನತೆಯ ಪ್ರತಿ ನಿಧಿಗಳೇ? ಇದನ್ನು ನಿಮ್ಮ ಜನತೆ ಯಾರೂ ಮೆಚ್ಚಿಕೊಳ್ಳಲಾರರು. ನಿಮ್ಮ ಪಕ್ಷದಲ್ಲಿ 117 ಸದಸ್ಯರುಗಳು ಇರಬಹುದು. ಇದರಲ್ಲಿ ಎರಡು ಕ್ಷೇತ್ರಗಳನ್ನು ಬಿಟ್ಟರೆ ಬೇರೆ ಎಲ್ಲಾ ಕ್ಷೇತ್ರ ಗಳಲ್ಲಿರುವ ಜನರೂ ನಿಮ್ಮನ್ನು ತಿರಸ್ಕರಿಸಿಬಿಟ್ಟಿದ್ದಾರೆ. ಇವೊತ್ತಿನ ದಿವಸ ನೀವು ಈ ಸಭೆಯ ನಾಯಕರಾಗಿ ಇರಲು ಬೆಲೆಯೇ ಇಲ್ಲ? ಈ ದೇಶದಲ್ಲಿ ಎಲ್ಲರಿಂದಲೂ ನೀವು ತಿರಸ್ಕರಿಸಲ್ಪಟ್ಟಿದ್ದೀರಿ. ಇದನ್ನು ನೀವು ಮರೆಯುವ ಹಾಗಿಲ್ಲ. ಜನತೆ ಕೂಡ ಇದನ್ನು ಬಹಳ ದೂರದೃಷ್ಟಿಯಿಂದ ನೋಡುತ್ತಿದೆ.

ಅಧ್ಯಕ್ಷರು.—ಅದರ ಬಗ್ಗೆ ಈಗ ಪ್ರಸ್ತಾಪ ಮಾಡುವುದು ಬೇಡ.

ಶ್ರೀ ಎಚ್. ಸಿದ್ದವೀರಪ್ಪ.—ಇಲ್ಲದಿದ್ದರೆ ನಾನು ಪಾಯಿಂಟ್ ಆಫ್ ಆರ್ಡರ್ ಎತ್ತಿ ಮತ್ತೆ ಇವನ್ನೆಲ್ಲಾ ಹೇಳಬೇಕಾಗಿ ಬರಬಹುದು. ಅದುದರಿಂದ ಆಮೇಲೆ ತಾವು ನನಗೆ ಇದರ ಮೇಲೆ ಮಾತನಾಡಲು ಅವಕಾಶ ಕೊಡಬೇಕಾಗುತ್ತದೆ. ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಅವರ ಹೊತ್ತಿಗೆಯನ್ನು ತೆಗೆದಾಗ ಹೇಳಬಹುದು.

† ಶ್ರೀ ಹೆಚ್. ಎಂ. ಚನ್ನಬಸಪ್ಪ.—ಸ್ವಾಮಿ, ಇದು ಬಹಳ ಪ್ರಾಮುಖ್ಯವಾದ ವಿಷಯ. ನಮ್ಮ ಹಕ್ಕುಬಾಧ್ಯತೆಗಳ ವಿಷಯ. ಈ ಸದನದಲ್ಲಿ ಈ ಕಡೆ ಇರುವ ಸದಸ್ಯರುಗಳೆಲ್ಲಾ ಏಕಾಭಿಪ್ರಾಯವುಳ್ಳವರಾಗಿದ್ದಾರೆ. ಆಡಳಿತ ಪಕ್ಷದವರು ತಾವು ತಪ್ಪು ಮಾಡಿರುವುದನ್ನು ಸ್ವಾಭಾವಿಕವಾಗಿ ಇಲ್ಲ ಎಂದು ಹೇಳಿ ಅದನ್ನೇ ಮೇಂಟೇನ್ ಮಾಡಿಕೊಂಡು ಹೋಗುತ್ತಿದ್ದಾರೆ. ತಾವು ಈ ಸದನದ ಕಸ್ಟೋಡಿಯನ್ ಆಗಿರುವುದರಿಂದ ಇದರ ಬಗ್ಗೆ ಹೇಳುತ್ತಿದ್ದೇವೆ. ಇಲ್ಲಿ ಸರಕಾರ ಹೇಳುತ್ತಿರುವುದೆಲ್ಲಾ ಶುದ್ಧ ಸುಳ್ಳು ಮತ್ತು ಸರಿಯೂ ಅಲ್ಲ. ಇದೇ ಮಾಹೆ 23ನೇ ತಾರೀಖು ಕೇಂದ್ರ ಪಾರ್ಲಿಮೆಂಟಿನಲ್ಲಿ ಪ್ರೆಸಿಡೆಂಟರವರು ಭಾಷಣ ಮಾಡುವವರಾಗಿದ್ದಾರೆ. ಆಮೇಲೆ ಬಡ್ಜೆಟ್ ಮಂಡಿಸುತ್ತಾರೆ. ಅವರಿಗೆ ಭಾಷಣ ಮಾಡುವುದಕ್ಕಾಗಿ ಅಲ್ಲೂ ಕೂಡ ಪ್ರೊರೋಗ್ ಮಾಡಿದ್ದಾರೆಂದು ಹೇಳಬಹುದು. ಇದರ ಬಗ್ಗೆ ತಾವು ಒಂದು ರೂಲಿಂಗ್ ಕೊಡುವಾಗ ನಮ್ಮ ಹಕ್ಕುಬಾಧ್ಯತೆಗಳನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ತೀವ್ರವಾಗಿ ಆಲೋಚನೆ ಮಾಡಿಕೊಂಡು ಕೊಡಬೇಕು. ಇಲ್ಲದೆ ಹೋದರೆ ಅನ್ಯಾಯದ ಅಪಾದನೆಗೆ ನೀವು ಗುರಿಯಾಗಬೇಕಾಗುತ್ತದೆ.

Sri H. N. NANJE GOWDA.—The 3rd Session of the 3rd Lok Sabha was adjourned on 8th November 1962, and it met again during January 1963. When the House met during January 1963, the President addressed both the Houses on 18th February 1963. The House was prorogued on January 21 for the specific purpose of accommadating the President to address, What the Hon. Chief Minister says is not correct. Now, it is for you to consider whether the example given by the Leader of the House is correct or not.

Mr. SPEAKER.—I have heard the hon. Members. They have advanced various arguments with a certain amount of emotion. While giving my ruling on this subject, I wish to be free from all emotions. We have to consider whether there is any breach of privilege and we have to find out whether there is any constitutional irregularity committed. Hon. Members are aware that the word 'session' is not defined in the Constitution or in the Rules of Procedure. If you want to depend upon the same definition as defined in May's Parliameneary practice, I just want to quote from the extract of the judgment of the High Court which decided this point. Now, a session is the period of time between the meeting of a Parliament whether after prorogation or a dissolution and its prorogation. A session which is called a meeting or meetings is continued up to the date of prorogation. In England to which the Hon. Member Sri Siddaveerappa made reference, the session lasts the entire year. It commences round about the first week of October and ends in September. There are yearly sittings in the Parliament. For the purpose of convenience, the session adjourns from time to time. They adjourn for Christmas and adjourn for other holidays also. The budget session comes in the month of March or April. There is one point here to be mentioned, and that is, there is no connection between the Budget and the first Session.

During the Third Session of the Provisional Parliament which commenced on September 14, 1950, the House was adjourned on

December 20, 1950 to meet again on February 5, 1951. Since Parliament was not prorogued, the President did not address the Parliament though it met for the Budget on February 5, 1951. Therefore, there is no connection between a Budget Session and the first Session. The Budget session may not be the first session. It may be continuation of a session called earlier.

Sri R. DAYANANDA SAGAR.—It does not say "adjourned session" or "fresh session". It only says "Session".

Mr. SPEAKER.—Now, as regards Address by the Governor, there are 3 articles to be considered, namely, Articles 174, 175 and 176. Article 174 deals with the powers of the Governor to summon Members to meet on a particular date and at a particular time and then, it discusses about prorogation and dissolution. Thus, Article 174 provides for three things.

Sri H. SIDDAVEERAPPA.—It is the Government that does it.

Mr. SPEAKER.—No, it is the Governor who does it.

Sri H. SIDDAVEERAPPA.—He does it only on the advice of the Government.

Mr. SPEAKER.—Therefore, the Governor is entitled under Article 174 to summon the Members on a particular date and to prorogue the House and also to dissolve the House.

Sri H. SIDDAVEERAPPA.—Under the advice of the Leader of the House.

Mr. SPEAKER.—That is well-known. I am only trying to point out the constitutional aspect and whether there is any breach of privilege.

Sri H. SIDDAVEERAPPA.—Why do you bring the Governor? You say that the Government has failed in its duty.

Mr. SPEAKER.—Because the Constitution mentions only the Governor.

Sri AZEEZ SAIT.—You are a constitutional man. When we gave notice of a no-confidence motion against you, why did you not allow it to be moved?

Mr. SPEAKER.—I am sorry the hon. Member has lost all sense of relevancy.

Sri AZEEZ SAIT.—You should have allowed the motion of no-confidence against you to be discussed.

Mr. SPEAKER.—Who moved it?

Sri AZIZ SAIT.—You ask the Government.

Mr. SPEAKER.—Please resume your seat.

(The hon. Member Sri Azeez Sait did not resume his seat but went on interrupting the Speaker)

I want the Leader of the Opposition to say whether this is the way the business of the House should go on, and whether such obstructions are permitted when the Chair has been giving its ruling.

Sri H. SIDDAVEERAPPA.—Anything is permitted under your regime. I am sorry you have given your ruling giving a deaf ear to the wishes of this side of the House, because we requested you to examine it, consider it and then give a considered ruling. In spite of that, you want to give a ruling now stating that there is no privilege and that there is no breach of privilege. You are the custodian of our rights.

Mr. SPEAKER.—Custodian does not mean that I should accept and do everything that you want me to do. As custodian, I shall find out the constitutionality of the provisions, whatever they are, and then decide whether there is a breach of privilege or not.

The other question raised by the hon. Member Sri K. H. Patil was that it was an emergent session. Whatever might be the intention in summoning the session, whether as an emergent session or a non-emergent session or as an ordinary session, hon. Members will find that a session is always called in the following terms :

"I, Dharma Vira, Governor of Mysore do hereby summon the Mysore Legislative Assembly to meet at Bangalore at such and such a time on such and such a date."

It was on a summons like this that the December Session was called. It will thus be seen that the summons of the Governor is always in general terms and no programme, either provisional or otherwise, is included in the summons. Thereafter, it is for the Government to allot Government work and for hon. Members to indicate their work. There are two types of work, official work and non-official work.

Sri K. H. PATIL.—I can understand that, but under Rule 159, there is a separate provision for Budget. For the Budget session, it is for the Governor to determine the date for presentation of the Budget.

Mr. SPEAKER.—I am coming to that.

As I was saying, work is indicated either by the Government or by the hon. Members of this House. There are two types work, namely, Government work and Private members' work.

My point is that the Governor in his summons does not indicate the type of business that is going to come up before the House. He only summons the House at the request of the Government and in fact, it is for the Government to indicate work and also for the private members to indicate work. Therefore, whether you call it short notice session or

emergent session or non-emergent session or ordinary session, so far as summoning of the House is concerned, there is no distinction between these. In the course of the session, suppose a particular item of business is over. It is quite open for the Government or the hon. Members to indicate further work and to continue the session. Therefore, there is no distinction between emergent session and non-emergent session so far as the constitutional position is concerned.

Then, the hon. Member Sri K. H. Patil referred to Rule 159 and stated that whenever Budget is to be presented, the responsibility for causing the annual finnncial statement to be placed before the House rests upon the Governor. With reference to that, I shall bring to the notice of the House, the communication received from the Governor which reads thus:

"In pursuance of Articles 202 and 206 of the Constitution of India, I, Dharma Vira, Governor of Mysore, do hereby direct that the Annual Financial Statement appended hereto for the year 1971-1972 and also the Demands for Grants in advance required for 4 months from 1st April 1971 should be laid before the Houses of the Legislature on 15th March 1971."

Sri H. SIDDAVEERAPPA.—On what date did he send this?

Mr. SPEAKER.—This is dated 11th March 1971. The position, therefore, is that when once a session is called: whether it is emergent session or short notice session or long notice session, it can be continued and it is not relevant to say that it is only emergent session and it cannot be continued. That being the position, if this is an adjourned session and obviously, it is an adjourned session—then according to the Constitution, I think the session need not commence with the Governor's Address.

Sri R. DAYANANDA SAGAR.—What does the Article say? It only says "first session". It does not say "adjourned session" or "fresh session". It only means first session. The Session may be adjourned session or any other session. This Article is mandatory. It is the right of this House and it is the privilege of the Members to hear the Governor's Address and it is the duty of the Governor to address this House. The Article merely says 'first session'. It may be a fresh session or an adjourned session. It only says first session and in this first session, the Governor has failed to address this House.

Mr. SPEAKER.—It says the first session in each year and so the question is, whether this the first session of the year or an adjourned session.

Sri K. H. RANGANATH.—Which is the Year?

4-00 P.M.

Mr. SPEAKER.—Financial year starts with the 1st day of April and ends with 31st March every year. Calendar year begins from 1st January and ends on 31st December.

Sri K. H. RANGANATH.—Can there be two Budget Sessions in one calendar year ?

Mr. SPEAKER.—The financial year throughout the Country is one, whether it is the Government of India or State Government, whether it is Andhra Government or Mysore Government. The phrase 'each session' is used for indicating the beginning of a new session. This session started on 23rd December 1970. Since it is not a new session, I find myself in agreement with the decision of the High Court.

Sri H. SIDDAVEERAPPA.—May I say one thing at this stage ? On the High Court decision, we have taken special leave to go to Supreme Court and special leave is granted. Even otherwise, it is unnecessary to quote the High Court decision. They have not entered into that aspect of it. They have only said about the technical aspect—what is an adjourned session and what is a prorogued session.

Sri B. B. SAYANAK.—I rise to a point of order, Sir.

Mr. SPEAKER.—There cannot be any point of order when a ruling is being given by the Chair.

Sri K. H. RANGANATH.—Because you are referring to the High Court decision......

Mr. SPEAKER.—I do not refer to it any more.

Sri K. H. RANGANATH.—The Hon. High Court has also observed that this is a fit case for going in appeal. Therefore, they have granted special leave also.

Sri H. M. CHANNABASAPPA.—I have an important point of order.

Mr. SPEAKER.—I just now said, there can be no point of order when a ruling is being given.

Sri H. M. CHANNABASAPPA.—The point of order is about the conduct of the Speaker. I want to say that the conduct of the speaker is irrelevant.

Mr. SPEAKER.—The Hon. Member cannot bring it here. As regards the motion, I do not find there is any breach of privilege and I cannot give my consent. I withhold my consent.

† Sri H. SIDDAVEERAPPA.—Sir, arising out of your ruling, I would like to know, supposing for the sake of argument, Governor's Address is given at the commencement of the first Session after the general election and there is an unscrupulous Government which want to be dictatorial as this Government is, and they go on adjourning meetings for all the five years, is there anything to prevent such a course ? They adjourned the last session. They should have advised the Governor to prorogue it. The Governor *suo motu* will not prorogue the session. He will have to be advised by the Government. You are our Daniel. You please tell us what will be the position in a situation like that. No opportunity may be given to this House to hear the Governor's Address.

Such a situation is contemplated out of your ruling. What is going to happen if you say that the Governor may address any session? Now, I do not know the contents of the document which our Hon'ble Finance Minister wants to present. I really do not know, in a nascent democracy, if there is an unscrupulous Government, as this Government is, what is going to happen to our rights? What will be the position? I want clarification from the Chair.

ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಸ್ವಾಮಿ, ತಾವು ಕೊಟ್ಟಂತಹ ರೂಲಿಂಗ್ ಪ್ರಕಾರ ಈ ಸಭೆಯ ಸರ್ವಶ್ರೇಷ್ಠ ಸತ್‌ಸಂಪ್ರದಾಯಗಳು ಏನಿವೆ ಅವುಗಳನ್ನು ಗಾಳಿಗೆ ತೂರಿ ಶಾಸನ ಸಭೆಯ ಹಕ್ಕು ಬಾಧ್ಯತೆಗಳನ್ನು ಮೊಟಕು ಮಾಡತಕ್ಕಂಥ ಒಂದು ರೂಲಿಂಗ್ ಕೊಟ್ಟಿದ್ದೀರಿ, ಇದು ತಪ್ಪು. ಇವೊತ್ತು ಶಾಸನ ಸಭೆಯ ಸದಸ್ಯರ ಹಕ್ಕುಬಾಧ್ಯತೆಗಳಿಗೆ ಚ್ಯುತಿ ಬಂದಿರತಕ್ಕ ಸಮಯದಲ್ಲಿ ನಾವು ಅದಕ್ಕೆ ವಿರೋಧವನ್ನು ವ್ಯಕ್ತಪಡಿಸುವುದಕ್ಕೋಸ್ಕರ, ಮತ್ತು ತಾವು ತಮ್ಮ ರೂಲಿಂಗ್‌ನಲ್ಲಿ ಈ ಸಭೆಯ ಸತ್ ಸಂಪ್ರದಾಯವನ್ನು ಗಾಳಿಗೆ ತೂರಿ ರಾಜ್ಯದ ಶಾಸನ ಸಭೆಯ ಹಕ್ಕುಬಾಧ್ಯತೆಗಳನ್ನು ಮೊಟಕು ಮಾಡಿ ಅವುಗಳನ್ನು ಕಡೆಗಾಣಿಸಿ ಇಂಥಾ ಒಂದು ಅವಸ್ಥೆಗೆ ನೀವು ಇದನ್ನು ತಂದಿರುವುದರಿಂದ, ಇದಕ್ಕೆ ನಾವು ನಮ್ಮ ವಿರೋಧವನ್ನು ವ್ಯಕ್ತಪಡಿಸುವುದಕ್ಕೋಸ್ಕರ ನಾವು ಸಭಾತ್ಯಾಗ ಮಾಡುತ್ತೇವೆ.

[*Sri S. Sivappa and other PSP Members withdrew*]

SRI M. NAGAPPA.—In protest, we are also walking out.

[*Sri M. Nagappa and Members of SSP withdrew*]

SRI H. N. NANJE GOWDA.—Proviso to Rule 180 says:

"The Speaker has to read the notice" and then say that he withholds consent.

MR. SPEAKER.—After an elaborate discussion, I think reading of the notice is not at all necessary. Mr. Nanje Gowda must understand that much.

With respect to the point raised by Sri Siddaveerappa, I think it is a hypothetical question. I need not answer it. I should draw his attention to what happened in Great Britain during the War days. For nearly two years, there were no sittings. So, I do not want to pronounce opinion on a hypothetical question.

SRI H. M. CHANNABASAPPA.—My point is very clear. The failure of the Government to advise the Governor is the point at issue. By that, our privileges have been taken away.

MR. SPEAKER.—The Hon. Member could raise that point in the general debate; then he can attack the Government; I have no objection for that.

SRI H. M. CHANNABASAPPA.—You never touched that point. On that issue, namely, the Government have taken away our rights, you have not given a ruling.

MR. SPEAKER.—I have stated that there is no question of privilege. There is nothing in the nature of right, which has been breached.

Sri H. M. CHANNABASAPPA.—A specific ruling on the point whether the Government has failed to advise the Governor in time, to prorogue and also address this Assembly, has to be given. Our point is that the Government has failed in its duty. My point was that this Government has deliberately failed to advise the Government to do his function under Arts. 175 and 176. You never touched that point. The Chief Minister stated that they had no time. In the Parliament, the Central Government is presenting the Budget after the 23rd, after the President's Address. By the failure of the Government, our rights are in jeopardy; Government is responsible for it. So, we request you to safeguard our rights. Instead ot giving ruling on that point of loss of our rights and privileges, you have given ruling on some other point.

Mr. SPEAKER.—On this point also, I gave my ruling. It is a point for reply by the Government. I have come to the conclusion that there is no breach of privilege at all; that is my finding.

Notice of Adjournment Motion *re*: lack of confidence in the Council of Ministers in view of the Mid-term Poll Results of Lok Sabha.

Sri H. M. CHANNABASAPPA.—We have given another notice of adjournment. There is an adjournment motion tabled by me and the Hon. Member Sri Nanje Gowda. I hope you will give your best attention to it.

Mr. SPEAKER.—Yes.

Sri H. M. CHANNABASAPPA.—Our motion reads thus:

> "This House do stand adjourned to discuss a matter of urgent public importance of recent occurrence, namely, the situation arising out of the unprecedented expression of complete lack of confidence in the Chief Minister and his Council of Ministers in the recent mid-term poll to the Lok Sabha as evidenced by the wholesale rejection by the electorate of all the 27 candidates set up and supported by them in all the 27 Constituencies by a huge majority of votes, in spite of the myth of propaganda by the Chief Minister on the border and Cauvery issues that he is the sole saviour of the interests of Mysore State."

Sri RAMAKRISHNA HEGDE.—May I point out a factual error in his statement? The Ruling Party had set up only 17 candidates.

Sri H. M. CHANNABASAPPA.—The ruling party was in connivance with other parties; they joined hands with other parties.